

United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

V.

DANIEL RIVERA EULOGIO

Venue: SAN FRANCISCO

CRIMINAL COMPLAINT

BZ

(Name and Address of Defendant)

ORIGINAL

CASE NUMBER: 3,07 70364

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about June 18, 2007 in San Francisco, in the Northern District of California, the defendant, an alien, having been previously excluded, deported, and removed from the United States to Mexico, and having subsequently voluntarily returned to and remained in the United States, was found in the Northern District of California, the Attorney General of the United States and the Secretary for Homeland Security not having expressly consented to a re-application by the defendant for admission into the United States, in violation of Title 8, United States Code, Section 1326.

I further state that I am an Immigration and Customs Enforcement Officer and that this complaint is based on the following facts:

See attached Affidavit in Support of Criminal Complaint

Maximum Penalties:

Title 8 USC Section 1326:

20 years of imprisonment; \$250,000 fine; 3 years supervised release; and \$100 special assessment fee

APPROVED AS TO FORM:

Wendy Thomas, SAUSA

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Warrant of Arrest Requested:

☐ Yes ☒ No

Bail Amount: N/A

Signature of Complainant, Cesar Lopez

Sworn to before me and subscribed in my presence,

June 22, 2007

Date

at

San Francisco, California

City and State

Bernard Zimmerman

United States Magistrate Judge

Name & Title of Judicial Officer

Signature of Judicial Officer

data relating to Daniel RIVERA EULOGIO ("Rivera Eulogio"), which attest to the following:

Case Facts and Evidence

4. Rivera Eulogio is a twenty-six (26) year-old male, native and citizen of Mexico, who last entered the United States illegally by crossing the international border on April 1, 2007 at Nogales, Arizona, in an unknown manner, without first having obtained the consent of the Attorney General of the United States or the U.S. Secretary of Homeland Security.

5. Rivera Eulogio's official Alien Registration File contains four (4) executed Warrants/Reinstatements of Removal/Deportation indicating Rivera Eulogio was deported from the United States to Mexico on the following dates: October 6, 2001, November 27, 2002, February 23, 2006, and April 7, 2006.

6. On June 18, 2007 ICE encountered Rivera Eulogio at San Francisco County Jail in San Francisco, California. On June 20, 2007, after being advised of his Miranda / Consular Notification Rights, Rivera Eulogio voluntarily provided a sworn statement in which he admitted: his identity, that he was a citizen of Mexico, that he had previously been deported to Mexico, and that he reentered the United States without the required permission.

7. On June 21, 2007, a full set of rolled fingerprints belonging to Rivera Eulogio was submitted to the Automated Fingerprint Identification Center ("AFIS"), for verification of identity. The fingerprint examiner positively identified the fingerprint as belonging to Rivera Eulogio who had previously been removed from the United States as referenced above in paragraph 5.

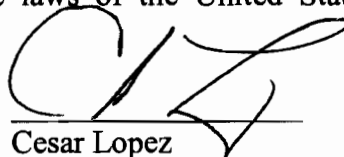
8. There is no indication in the official files of the United States Department of Homeland Security that Rivera Eulogio ever applied for or obtained the permission of the United States Attorney General or the Secretary of Homeland Security to reenter the United States.

Conclusion

9. Based upon the facts described above, I believe that there is probable cause to believe that the defendant, Daniel RIVERA EULOGIO, having previously been deported from the United States to Mexico, has been found in the United States without the required permission, in violation of Title 8, United States Code, Section 1326.

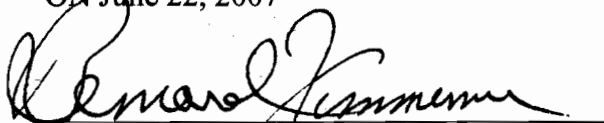
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I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.



Cesar Lopez
U.S. Customs and Border Protection
U.S. Dept. of Homeland Security

SUBSCRIBED AND SWORN BEFORE ME
ON June 22, 2007



The Honorable Bernard Zimmerman
U.S. Magistrate Court Judge
Northern District of California